

SENATE OF THE PHILIPPINES)
SIXTEENTH CONGRESS)
First Regular Session)



Senate
Office of the Secretary

'13 NOV 18 P5:49

SENATE

Senate Bill No. 1934

RECEIVED BY: *J. S.*

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

Article II, Section 23 of the 1987 Philippine Constitution explicitly provides, "*the State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.*"

Non-government Organizations or NGOs are intermediary organizations between the people and the government, and they speak or work for on behalf of the less fortunate and underprivileged. Furthermore, NGOs deliver social welfare and development activities to the poor and marginalized sector of the Philippines. NGOs in the Philippines are regarded as one of the largest and most diverse in terms of interests and advocacies in Asia. ¹The NGOs have been hand in hand with the government in the escalation of the political, social and economic sector.

This bill endeavors to promote and strengthen the partnership among social welfare and development agencies, national government agencies, local government units, nongovernment organizations, faith-based organizations, and private sectors. Furthermore, this bill incorporates the power of the State to set standards, register, license, accredit, and monitor social welfare and development service providers, agencies, groups or organizations engaged in social welfare and development activities.

In light of the foregoing immediate passage of this bill is earnestly sought.

JOSEPH VICTOR G. EJERCITO

¹ http://en.wikipilipinas.org/index.php?title=Philippine_Non-Government_Organizations

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**AN ACT ESTABLISHING A COMPREHENSIVE SYSTEM FOR
REGISTRATION AND LICENSING OF SOCIAL WELFARE AND
DEVELOPMENT AGENCIES AND ACCREDITATION OF SOCIAL
WELFARE AND DEVELOPMENT PROGRAMS AND SERVICES, AND
APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. Short Title. – This Act shall be known as the “**Social Welfare and Development Agencies (SWDAs) Act of 2013**”.

SECTION 2. Declaration of Policy. – It is the policy of the State to ensure that social welfare and development programs and services in the public and private sectors comply with national social welfare and development standards and adhere to the principles of human rights. Towards this end, the State shall set standards, register, license, accredit, and monitor social welfare and development service providers, agencies, groups or organizations engaged in social welfare and development activities and provide appropriate consultative mechanisms and necessary assistance to them to ensure their compliance with the set standards and cope with the challenges and demands of providing social welfare and development services to the poor, the vulnerable, the marginalized, the disadvantaged and the underprivileged sectors of Philippine society.

The State shall also promote and strengthen the partnership among social welfare and development agencies, national government agencies, local government units, nongovernment organizations, faith-based organizations, and private sectors to include accessing of resources between and among them for the uplifting the poor, disadvantaged, marginalized, vulnerable and underprivileged individuals, families, groups and communities in the country.

SECTION 3. Coverage. – This Act shall apply to all social welfare and development service providers including individual, public and private groups, associations and organizations that are engaged in or want to engage in social welfare and development activities.

SECTION 4. Definition of Terms. – For purposes of this Act, the following terms are hereby defined as:

- (a) *Accreditation* refers to the process of providing official recognition to the social welfare and development programs and services of registered and licensed social welfare agencies (SWAs), after meeting the minimum standards set by the government.
- (b) *Beneficiaries* refer to the disadvantaged, marginalized, and vulnerable individuals, groups, families, and communities availing themselves of any of the services offered by the SWDAs which include, among others, the following:

(1) Abandoned, neglected, orphaned, voluntarily committed, abused and exploited children and other children in need of special protection, such as children in conflict with the law and children involved in armed conflict;

(2) Out-of-school youth and other youth with special needs;

(3) Women in especially difficult circumstances;

(4) Persons with disabilities;

(5) Senior citizens;

(6) Marginalized and disadvantaged individuals, families, and communities, which shall include, but not limited to, indigenous people, people living with HIV/AIDS, those in crisis situation and internally displaced due to armed conflict and other developmental projects; and

(7) Victims of natural and man-made calamities or disasters.

(c) *Department* refers to the Department of Social Welfare and Development.

(d) *Dissolution* refers to voluntary or involuntary termination of operation of SWDAs.

(e) *Intermediaries* refer to persons, groups, networks of SWDAs, or local government units trained, accredited, and authorized by the Department to perform specific functions in the process of registration, licensing and accreditation.

(f) *Licensing* refers to the provision of a permit and a legal authority to SWDAs to operate as social welfare agency, after having met or complied with minimum standard requirements provided under this Act.

(g) *Operation* refers to either direct or indirect implementation of social welfare and development programs and services by a SWDA within a specified geographical coverage or place over a period of time using its own or tapped resources and conduits.

(h) *Registered social worker* refers to a worker who is a graduate of Bachelor of Science in Social Work or Master's Degree in Social Work and who has passed the

social work licensure examination and with valid registration identification card issued by the Professional Regulation Commission.

- (i) *Registration* refers to the official recognition of the operation of a SWDA within the purview of social welfare and development through the issuance of a certificate of registration by the Department and inclusion in the directory of SWDAs after having complied with the set requirements of the Department.
- (j) *Revocation* refers to the cancellation of the registration, license and accreditation certificates of a SWDA for the commission of any of the grounds as provided under this Act.
- (k) *Social services* refer to those organized activities that are primarily and directly addressed to disadvantaged individuals or groups to maximize their social functioning.
- (l) *Social welfare and development workers* refer to social workers or other professionals who are engaged in the delivery of social welfare and development programs and services and are accredited by the Department. They may include social workers managing court cases, marriage and pre-marriage counselors, and day care workers among others.
- (m) *Social welfare* refers to an organized system of programs and services designed to aid individuals, groups and communities to attain improved quality of life and well-being in harmony with the needs of their families and community.
- (n) *Social Welfare and Development Agency (SWDA)* refers to a corporation, organization or association engaged in providing directly or indirectly social welfare and development programs and services and obtains its finances either totally or in part, foreign or local, from any government agency or instrumentality or from the community by direct or indirect solicitations and other fund-generating activities as authorized by law.
- (o) *Social work* refers to the profession which helps individuals, families, groups, and communities develop, improve, maintain or restore their capability for coping with the demands of their environment through the use of social work methods and interventions.
- (p) *Suspension* refers to the temporary cessation of operation as a form of penalty imposed to a SWDA for commission of any of the grounds stipulated under this Act. When a SWDA is under suspension, it shall neither accept nor admit any additional clients and shall be under close supervision and monitoring by the Department.

- (q) *Unregistered SWDAs* refer to agencies or organizations that provide direct or indirect social welfare and development programs and services without registration and/or license to operate from the Department.

ARTICLE II

SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SECTION 5. *Nature and Purpose.* – A SWDA shall be a nonstock, nonprofit organization or association organized and operated for social welfare and development programs and services, and no part of the funds or donations in kind generated by the SWDA shall inure to the benefit of any private individual but for the benefit of the beneficiaries and its operating expenses.

SECTION 6. *Classifications of SWDAs.* – The two (2) main classifications of SWDAs and their sub-classifications shall be defined as follows:

- (a) **Social Welfare Agency (SWA).** – A SWDA, which employs social workers, community development workers, and other qualified paraprofessionals who have related trainings and experiences that directly provide restorative, preventive, and developmental programs and services to poor, vulnerable, marginalized, disadvantaged, and underprivileged individuals, families, groups or communities. A SWA may be classified as follows:
- (1) **Residential-Based Agency.** – A SWA that provides twenty-four (24)-hour residential care services for abandoned, neglected or voluntarily committed children, women, persons with disabilities, and older persons, among others;
 - (2) **Community-Based Agency.** – A SWA that implements community-based and street-based programs and services delivered to beneficiaries while in their home or in the community. These programs and services include senior citizens center, day care center, vocational rehabilitation center, a sponsorship or scholarship program, assistance to victims of disaster, and social services to individuals and families, among others; and
 - (3) **Child-Placing Agency.** – A SWA that receives and processes applications of the prospective foster or adoptive parents and facilitates placement of children eligible for foster care or adoption.
- (b) **Auxiliary SWDA.** – A SWDA which provides supportive activities in the delivery of social welfare and development programs and services to the poor, vulnerable, marginalized, disadvantaged and underprivileged sectors. An auxiliary SWDA may be classified as follows:
- (1) **People's Organization.** – A SWDA with a *bona fide* association of citizens with identifiable leadership, membership, and structure that has demonstrated its capacity to promote the public interest and engage in social welfare and development activities, such as federation of senior citizens, youth

organizations, and associations of women and persons with disabilities, among others;

- (2) Resource Agency. – A SWDA that provides tangibles such as funds, food, clothing, medicines and shelter; or intangibles such as knowledge and skills to help various SWDAs to achieve their goals in providing social welfare and development services for their beneficiaries; and
- (3) Social Welfare and Development Network. – A group of SWDAs that organized themselves for a common goal in promoting social protection of the poor, vulnerable, marginalized, disadvantaged and underprivileged groups, such as coalition, alliance or federation.

SECTION 7. *Service Delivery Mode.* – The manner by which social welfare and development programs and services are delivered which shall include, but shall not be limited to, the following:

- (a) Residential-Based Mode. – Refers to the programs and services where group care is provided to residents under the guidance of a trained staff and within a structured therapeutic environment with the objective of reintegrating a person with the family or community or, in case of children, until such time when a better alternative parental care is provided. This program may also be provided for those children pursuing formal education away from their family; and
- (b) Community-Based Mode. – Refers to the programs and services rendered when the helping process takes place in the community as the primary client system or when social welfare and development activities are provided to individuals, groups or families while they remain in their homes. It is characterized by interaction between the client and worker in the community in relation to the resolution of identified problems and concerns. These include, but not limited to, senior citizens center, day care center, drop-in center, vocational rehabilitation center, sponsorship or scholarship program, alternative placement service, assistance to victims of disaster, and social services to individuals and families, among others, while in their home or in the community.

SECTION 8. *Administration and Management.* – A SWDA shall be managed by individuals whose qualifications meet the criteria set under the rules and regulations to be issued to implement this Act. It may be operated by national government agencies, local government units, government-owned and -controlled corporations, state universities or colleges, private individuals, educational institutions, civic organizations or faith-based organizations as part of their extension services or social welfare activities or projects. For SWDAs operated by private institutions, educational institutions, or faith-based organizations, at least sixty percent (60%) of its board of trustees shall be Filipinos.

SECTION 9. *Salaries, Wages and Other Benefits.* – The SWDA shall comply with all existing and relevant labor laws and regulations regarding the salaries, wages and benefits of employees provided these are within the minimum standards set by the Civil Service Commission (CSC) and the Department of Labor and Employment (DOLE). The standard salary scale for social workers and other social welfare and development workers of the SWDAs shall be set by the CSC and the

DOLE, in consultation with the Department of Budget and Management (DBM).

SECTION 10. *Operating Expenses.* – The SWDA shall utilize at least eighty percent (80%) of its funds for direct social welfare and development programs and services and not more than twenty percent (20%) shall be expended for administrative concerns. Funds of the SWDA shall be deposited in the name of the organization in a banking institution regulated by the Bangko Sentral ng Pilipinas. Financial transactions, book of accounts and other reports shall be available to the public, agency staff, and other concerned individuals or agencies for transparency and monitoring purposes.

The Department, in consultation with public and private SWDAs, shall set standards to determine specific expenditures for program and administrative expenses.

SECTION 11. *Submission of Reports.* – All SWDAs shall submit to the Department their annual accomplishment and financial reports duly audited by an external certified public accountant or a representative from the Commission on Audit (COA), as the case may be, and other reports as may be required by the Department. Financial reports of SWDAs whose total income and expenditures are less than Five hundred thousand pesos (P500,000.00) shall be audited by its internal auditor.

The annual reports shall be submitted to the Department within one hundred twenty (120) days after the end of every fiscal year.

ARTICLE III REGISTRATION, LICENSING AND ACCREDITATION

SECTION 12. *Registration.* – All SWDAs as classified under Section 6 of this Act shall first register with the Securities and Exchange Commission (SEC) or Cooperative Development Authority (CDA) for purposes of establishing their juridical personality. Within six (6) months from the issuance of the Certificate of Registration from the said government agencies, the concerned SWDA shall apply for registration with the Department. The requirements for registration of a SWDA shall include, but shall not be limited to, the following:

- (a) Certified true copy of registration with either the SEC or the CDA;
- (b) Manual of Operation or Handbook of its programs and administrative policies, procedures and strategies to attain its purposes;
- (c) At least two (2) years approved Work and Financial Plan for the implementation of its programs and services indicating the planned activities and corresponding amount of funds and sources of donations;
- (d) At least one (1) year audited financial report for a SWDA which is in operation for at least two (2) years upon application;
- (e) Diagram of physical facilities which shall be designed to promote the safety and security of its beneficiaries and staff, including location map and other documents showing ownership or legal custody of property where the SWDA shall operate from; and

- (f) The names of qualified technical and administrative staff and a copy of their licenses or certificates of professional eligibilities.

SECTION 13. *Licensing.* – All SWAs as classified under Section 6 of this Act shall comply with the requirements for licensing, which shall include, but shall not be limited to, the following:

- (a) Documentation showing that it is engaged in social welfare and development programs and services;
- (b) Certification showing that it has employ the necessary number of registered social workers, community development workers, and other employees trained on specific programs and services to be implemented and a copy of their respective licenses or certificates of professional eligibilities; and
- (c) Certification of the record of cases it has or is currently managing and social welfare and development programs and services implemented.

The registration and licensing of a SWA can be done simultaneously. Upon approval, a certificate of registration and license to operate shall be issued.

SECTION 14. *Exemption from Registration and Licensing.* – All Department residential care facilities, social service units of local government units, public hospitals, courts, and other social welfare facilities of national government agencies and government-owned and-controlled corporations, by virtue of the legal basis of their establishment or charters, are exempted from securing registration and license to operate from the Department. However, they shall be required to apply for accreditation following the same requirements and standards and shall be subjected to regular monitoring by the Department.

SECTION 15. *Accreditation.* – All social welfare and development programs and services of registered and licensed SWAs shall be accredited by the Department or its authorized intermediaries within one (1) year after the issuance of a license to operate. The applicant must have complied with the standards set by the Department on administration and organization, program management, case management, helping strategies or interventions, physical structures and safety, and client protection policy, among others.

SECTION 16. *Fees and Charges.* – All applications for registration, license, and accreditation shall be charged with corresponding fees to be determined by the Department. The fees and charges shall be deposited with the National Treasury as income of the general fund.

SECTION 17. *Validity.* – The certificates of registration and license to operate shall be valid for five (5) years. The accreditation certificate shall be valid for three (3) to five (5) years depending on the compliance of the SWDA with accreditation standards.

In case of failure by the Department to act on an application for renewal of registration, license and accreditation within one hundred (100) working days upon submission of complete requirements by the SWDA, the existing certificate shall remain valid until the Department has processed its application.

ARTICLE IV
BENEFITS AND PRIVILEGES
OF SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SECTION 18. *Benefits and Privileges of Registered SWDAs.* - Registered SWDAs shall be entitled to the following:

- (a) Inclusion in the Directory of Registered, Licensed and Accredited SWDAs;
- (b) Technical assistance in the areas of capability building, packaging of project proposal, provision of program materials and skills enhancement to strengthen program and service implementation;
- (c) Endorsement to other government agencies on the availment of missionary or working visas of foreign board members, employees or volunteers subject to eligibility requirements for securing visas;
- (d) Endorsement to the Department of Finance (DOF) for duty-free importation of foreign donations subject to compliance with set requirements; and
- (e) Other benefits and privileges deemed appropriate by the Department.

SECTION 19. *Benefits and Privileges of Licensed SWAs.* - In addition to the benefits and privileges of a registered SWDA, a licensed SWA shall be entitled to the following:

- (a) Endorsement to the DOF for duty- and tax-free importation of foreign donations subject to compliance with set requirements;
- (b) Resource augmentation for program implementation, subject to compliance with the requirements as may be established by the Department; and
- (c) Other benefits and privileges deemed appropriate by the Department.

SECTION 20. *Benefits and Privileges of Accredited SWAs.* - In addition to the benefits and privileges of registered SWDAs and licensed SWAs, accredited SWAs shall be entitled to the following:

- (a) Endorsement to the DOF for donee-institution status and other relevant tax incentives as provided by law;
- (b) Endorsement for resource augmentation or other assistance from any government agencies or private donors subject to compliance to set criteria;
- (c) Endorsement to the utility service providers for at least fifty percent (50%) discount on the cost of electricity, water consumption and telephone service to the residential care, group homes, and community center-based facilities that are operated exclusively for the beneficiaries subject to the set requirements of the utility service providers;
- (d) Endorsement to concerned government agencies and private establishments for at least fifty percent (50%) discount for the

processing of documents of intended beneficiaries such as birth registration, passport, safety certificates, among others, for residential care and community-based SWA facilities;

- (e) Assistance in establishing linkages with local, national and international organizations and networks for the generation and sharing of resources;
- (f) Nomination of board members, employees or volunteer workers to participate as presentors or resource speakers in local or foreign trainings or conferences;
- (g) Plaque of recognition as a model SWDA;
- (h) Cash incentive, among others, depending on the availability of funds;
- (i) Laboratory for trainings and research; and
- (j) Other benefits and privileges deemed appropriate by the Department.

ARTICLE V OTHER REGULATORY POWERS AND FUNCTIONS OF THE DEPARTMENT

SECTION 21. *Monitoring and Evaluation of SWDAs.* – The Department shall conduct monitoring and evaluation of all SWDAs every six (6) months to one (1) year to ensure that their social welfare and development programs and services are implemented as planned. The result of monitoring and evaluation shall be used to address problems and issues and to provide the framework of interventions of the Department.

SECTION 22. *Dissolution of SWDAs.* – Any of the following shall be a ground for dissolution or closure of a SWDA:

- (a) Inability of SWDA officers to sustain its operation;
- (b) Noncompliance or violation of any provision of this Act; or
- (c) Other causes as may be determined by the Department.

The Constitution and Bylaws/Articles of Incorporation of SWDAs shall explicitly state that in case of dissolution, the assets, after payment of all financial liabilities, shall be utilized for social welfare and development activities. In the absence of such provisions in the Constitution and ByLaws/Articles of Incorporation of SWDAs, the Department shall issue recommendatory guidelines in the disposition of assets of the dissolved or closed SWDAs.

SECTION 23. *Recommendation to Obtain Donee-Institution Status.* – The Department shall be the only agency to recommend or endorse to the DOF the conferment of a donee-institution status and the grant of other tax benefits to accredited SWDAs.

SECTION 24. *Deputation of Intermediaries.* – Authorized intermediaries may be deputized by the Department to conduct assessment of SWDAs and social welfare and development workers for

purposes of registration, licensing and accreditation. The Department shall provide those deputized with transportation or subsidy allowance in accordance with the rules and regulations of the COA. Further, the Department shall provide continuous capacity-building activities to the deputized intermediaries.

SECTION 25. *Investigation and Resolution of Complaints.* – The Department shall accept complaints, investigate and initiate appropriate proceedings on cases involving SWDAs. Upon lawful cause, the Department shall suspend or revoke the registration, license and accreditation certificates and close the facilities in coordination with the concerned law enforcement agencies without prejudice to filing of criminal or civil case against erring officials and personnel.

ARTICLE VI
COMPLAINTS AGAINST SOCIAL WELFARE
AND DEVELOPMENT AGENCIES

SECTION 26. *Sources of Complaints.* – Complaints against a SWDA may come from any of the following sources:

- (a) Report of an authorized personnel or office of the Department based on the assessment and monitoring of standard compliance and program and service implementation;
- (b) Report from the SWDA's clients or beneficiaries;
- (c) Verbal information from a person, group or organization;
- (d) Signed and unsigned letters, documents or reports;
- (e) Printed materials or articles in newspapers, magazines and similar publications;
- (f) Information sent or received through broadcast or electronic media and information and communications technology devices, such as text messages and emails; or
- (g) Other sources of information, such as minutes of meeting, consultation and fora.

In case of verbal and unsigned information, the Department shall conduct a validation on alleged violations or actions of the SWDA being reported. If and when this is not possible, these shall be documented by the receiving personnel or office of the Department. Documented information and printed materials shall be dealt with according to the procedures in handling complaints or information.

SECTION 27. *Who May File a Complaint.* – A complaint against a SWDA may be filed with the Department by any of the following complainants:

- (a) Offended party;
- (b) Parent or legal guardian of a client;
- (c) Ascendant or collateral relative of the client, such as child, within the third degree of affinity or consanguinity;
- (d) Duly authorized officer or social worker of the Department;
- (e) Officer, social worker or representative of a registered, licensed and accredited SWDA;

- (f) Barangay chairman or other local government official; or
- (g) Person who has personal knowledge of the acts complained about or reported for action.

SECTION 28. Review Committee. – There shall be a Field Office Review Committee and a Central Office Review Committee to handle cases and resolve complaints against unregistered or unlicensed, registered, licensed and accredited SWDAs. If complaints and violations involving SWDA operating in one (1) region or operating in more than one (1) region, the Field Office Review Committee that has jurisdiction over the area/s where the cases happened, shall have exclusive jurisdiction to handle and resolve the said complaints or violations. The decisions, orders or findings of the Field Office Review Committee shall be appealable to the Central Office Review Committee.

The composition of the Field Office Review Committee and Central Office Review Committee shall be determined by the Department: *Provided*, That there shall be two (2) representatives from licensed or accredited SWDAs who are members of the network organized by the Department. The representatives shall be provided with subsidy or transportation allowance in accordance with the COA rules and regulations.

SECTION 29. Procedures. – The procedures in handling and resolving of complaints and appeals by the Field Office Review Committee and the Central Office Review Committee shall be made in accordance with the existing rules and procedures of the Department.

SECTION 30. Suspension, Revocation or Closure. – The certificates of registration, license or accreditation issued to SWDA shall be suspended or revoked if, after due process, the Department finds that the SWDA has failed to perform its functions or has violated existing laws, rules and regulations.

In case of revocation, the Department shall, after two (2) consecutive notices, close the SWDA. Likewise, the Department shall close unregistered or unlicensed SWDAs. The suspension, revocation of license or closure of a SWDA shall be without prejudice to the filing of criminal or civil case under existing laws.

SECTION 31. Grounds for Suspension. – The grounds for suspension of a SWDA shall include, but shall not be limited to, the following:

- (a) Insolvency or inability to continue support and maintain its operation or to perform the functions for which it was granted registration and license;
- (b) Noncompliance with social case management standards;
- (c) Poor sanitation of facilities and surroundings rendering these unfit for clientele;
- (d) Violation of the SWDA's Constitution and Bylaws;
- (e) Failure to submit annual accomplishment and audited financial reports for two (2) consecutive years;
- (f) Failure to apply for accreditation or renewal of accreditation after two (2) consecutive notifications and monitoring visits and technical assistance of every six (6) months by the Department or authorized intermediaries; or
- (g) Other causes as may be determined by the Department.

SECTION 32. *Grounds for Revocation of License.* – The grounds for revocation of license of a SWDA shall include, but shall not be limited to, the following:

- (a) Use of SWDA for immoral purposes such as, but not limited to, trafficking, gambling, prostitution, money laundering and terrorist financing;
- (b) Neglect, exploitation and abuse of SWDA clients;
- (c) Cessation of operation as SWDA;
- (d) Mismanagement of funds;
- (e) Falsification of the requirements for registration, licensing and accreditation;
- (f) Revocation of its registration from juridical personality from the SEC or other regulatory agency;
- (g) Noncompliance of SWDAs on the agreed action plan during the accreditation assessment for two (2) consecutive monitoring visits with interval of six (6) months by the Department; or
- (h) Other causes as may be determined by the Department.

ARTICLE VII

IMPLEMENTATION OF THE LAW AND RULE MAKING AUTHORITY

SECTION 33. *Implementing Rules and Regulations.* – The Department shall, in consultation with the DOF, the Department of Justice (DOJ), the Department of the Interior and Local Government (DILG), the DOLE, the DBM, the CSC, the COA, the SEC, the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Bureau of Immigration (BI) and other concerned government agencies, as well as three (3) representatives from any of the coalition of SWDAs and social welfare and development workers, promulgate the necessary rules and regulations within ninety (90) working days from the effectivity of this Act. Other policies and procedures necessary in carrying out the provisions of this Act shall likewise be issued by the Department.

SECTION 34. *Assistance from Law Enforcement Agencies.* – Law enforcement agencies such as the PNP, the NBI and the BI shall provide assistance to the Department in the enforcement of this Act.

SECTION 35. *Immunity of Officer or Staff.* – The duly authorized officer or staff of the Department and law enforcement agency involved in the implementation and enforcement of this Act and who acted in accordance with the due process clause of the Constitution shall be exempt from any civil, criminal and administrative liability.

ARTICLE VIII

FINAL PROVISIONS

SECTION 36. *Penalties.* – Any person, group or organization that shall operate as SWDA without registration or license shall be penalized with a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or an imprisonment ranging from one (1) year to three (3) years at the discretion of the court. The penalties shall be without prejudice to the seizure of equipment, instruments and other facilities of the SWDA.

If the offender is a corporation, organization or any similar entity, the officials or employees thereof directly involved shall be liable therefor. If the offender is a foreigner, the offender shall be referred immediately to the DOJ for appropriate action.

If the offender is an official or employee of the Department or any government agency, the offender be penalized in accordance with the civil service rules and regulations

SECTION 37. *Transitory Provision.* - All SWDAs required to be registered and/or to be licensed under this Act but currently operating without registration and/or license from the Department shall have a period of one (1) year from the effectivity of this Act to apply for registration or license to operate with the Department. Likewise, within sixty (60) days from the effectivity of this Act, the Department shall notify all registered and licensed SWDAs on the implementation of this Act. Upon compliance of required documents, new registration and license to operate shall be issued.

SECTION 38. *Appropriations.* - The Secretary of the Department of Social Welfare and Development shall include in the Department's programs the implementation of this Act, the initial funding of which shall be charged against the current year's appropriations of the Department. Thereafter, the amount necessary for its continued implementation shall be included in the annual General Appropriations Act.

SECTION 39. *Separability Clause.* - Should any provision of this Act be found unconstitutional by a court of law, such provision shall be severed from the remainder of this Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

SECTION 40. *Repealing Clause.* - All laws, decrees, letters of instruction, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SECTION 41. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,